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8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 TODD EVANS,

11 Plaintiff,

12 v.

13 JAMES DZURENDA, et al.,

14 Defendants.

Case No. 3:18-cv-00283-RCJ-CSD

ORDER GRANTING

**MOTION FOR EXTENSION OF TIME TO
REPLY TO PLAINTIFF'S OPPPOSITION TO
DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT
(ECF No. 136)**

(First Request)

16 Defendants, James Dzurenda, Romeo Aranas, David Mar, and Marsha Johns by and through
17 counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Douglas R. Rands, Senior
18 Deputy Attorney General, move this Court for an order extending the deadline for filing the reply to
19 Plaintiff's Opposition to Motion for Summary Judgment. (ECF No. 136). This is the first request the
20 Defendants have made. This Motion is made and based upon the attached Points and Authorities, the
21 papers and pleadings on file, herein, and such other and further information as this Court may deem
22 appropriate.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**

24 **I. RELEVANT FACTS AND PROCEDURAL HISTORY AND ARGUMENT**

25 This is a pro se prisoner civil rights action brought by Todd Evans, (Plaintiff), asserting claims
26 arising under 42 U.S.C. § 1983. Plaintiff alleges Eighth Amendment claims for deliberate indifference
27 to serious medical needs.

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1 Plaintiff sued multiple defendants for events that took place while he was incarcerated at
 2 Northern Nevada Correctional Center (“NNCC”). (ECF No. 1-1 at 2).

3 Defendants filed their Motion for Summary Judgment on September 21, 2022. (ECF No. 122).
 4 Plaintiff filed multiple requests for additional time (ECF Nos. 127 and 132). This Court granted both
 5 requests. (ECF Nos. 129 and 133). Plaintiff filed his opposition on December 21, 2022. (ECF No.
 6 136).

7 Plaintiff’s opposition is 65 pages with multiple exhibits. (ECF No. 136). It was filed
 8 immediately prior to the holiday season. During the holidays, a significant storm hit the Reno area,
 9 which caused power outages in South Reno. While the power has been restored, it caused significant
 10 issues. Additionally, Counsel has been working on a Motion for Summary Judgment in another case
 11 which is due today, January 4, 2023. For these reasons, Counsel requests an extension of time to file
 12 the reply to Plaintiff’s opposition.

13 Federal Rule of Civil Procedure 6(b)(1) governs extensions of time and provides as follows:

14 When an act may or must be done within a specified time, the court may,
 15 for good cause, extend the time: (A) with or without motion or notice if
 16 the court acts, or if a request is made, before the original time or its
 extension expires; or (B) on motion made after the time has expired if the
 party failed to act because of excusable neglect.

17
 18 Defendants’ request is timely and will not hinder or prejudice Plaintiff’s case, as the trial date
 19 is not imminent. The requested extension of time should permit the Defendants to file a proper and
 20 complete reply to assist the Court in determining the validity of the Motion for Summary Judgment.
 21 There is no attempt to delay the proceedings. There has not been a previous request. Additionally,
 22 Plaintiff received 2 extensions of time to file the Opposition. Therefore, the Defendants request
 23 additional time to prepare reply.

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1 **II. CONCLUSION**

2 Defendants assert that the requisite good cause and extenuating circumstance is present to
3 warrant the requested extension of time. Therefore, the Defendants requests an extension, until
4 **February 1, 2023**, to file the Reply to Plaintiff's Opposition (ECF No. 136).

5 DATED this 4th day of January, 2023.

6 AARON D. FORD
7 Attorney General

8 By: /s/ Douglas R. Rands
9 DOUGLAS R. RANDS, Bar No. 3572
Senior Deputy Attorney General

10 *Attorneys for Defendants*

11 IT IS SO ORDERED.

12 DATED: January 5, 2023.

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15 UNITED STATES MAGISTRATE JUDGE